

Technical Support Document (TSD)
for the final Transport Rule
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Acid Rain Program NO_x Averaging Plans Final Rule TSD

U.S. Environmental Protection Agency

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This Technical Support Document (TSD) provides information on owners' and operators' use of common designated representatives for purposes of complying with emissions limitations in the Acid Rain Program, particularly in circumstances involving multiple owners and operators and multiple sources.

Under 40 CFR part 76 of the Acid Rain Program regulations, certain units (specifically, coal-fired boilers of certain types) are subject to individual NO_x emissions limitations expressed in lb/mmBtu. In lieu of unit-level compliance with individual NO_x emissions limitations, owners and operators may elect under ' 76.11 to submit a compliance plan in which a group of such units, which the owners and operators select, must meet a group NO_x emissions limitation, rather than individual NO_x emissions limitations for each unit. Such compliance plans are referred to as Acid Rain Program NO_x averaging plans (NO_x averaging plans). Under such NO_x averaging plans, the Btu-weighted annual average emission rate for all the units in the plan must be less than or equal to the Btu-weighted annual average emission rate for the same units had they each been operated, during the same period of time, in compliance with their applicable individual NO_x emissions limitation under ' 76.5, 76.6, or 76.7 (see 40 CFR 76.11(a)(5)).

A NO_x averaging plans gives owners and operators greater flexibility to comply with Acid Rain Program NO_x requirements. Units that might have difficulty meeting their individual NO_x emissions limitations can be grouped with units that are operating, or can more easily operate, below their individual NO_x emissions limitations. As long as the annual average group NO_x rate is at or below the annual average group NO_x emissions limitation, each unit in the averaging plan is deemed to be in compliance with its individual NO_x emissions limitation, even if a unit operated above its individual NO_x emissions limitation under ' 76.5, 76.6, or 76.7.

Among the requirements that an averaging plan must meet under ' 76.11 is that all of the units in a specific NO_x averaging plan must be under the control of the same owner and operator (e.g., have the same majority owner or the same operator) and must have a common designated representative (see 40 CFR 76.11(a)). The three averaging plans described below (and attached, along with the applicable EPA Source Management System printout identifying the owners and operators, to this TSD) are examples of averaging plans that were in effect under the Acid Rain Program for calendar year 2010.

San Juan Averaging Plan (Plant Code 2451), New Mexico, Signature Date: July 23, 2010.

One approach that owners and operators take in designing NO_x averaging plans is to group the units at a specific source (facility) into one NO_x averaging plan. Such is the case for plan for the San Juan facility, in which all four units at the facility are covered for calendar years 2010 through 2014.¹ Note that the four units in the NO_x averaging plan have the same individual as the

¹ The referenced NO_x averaging plan is the most current plan submitted for inclusion in the

designated representative (i.e., Gregory D. Smith, who is the common designated representative), as reflected in the NO_x averaging plan, and are owned by nine separate owners and operated by one owner/operator, as reflected in the EPA Source Management System printout dated June 27, 2011.

Each source, and all units at the source, must have one designated representative, who makes, signs, and certifies all submissions to EPA or the permitting authority under the Acid Rain Program concerning any of the affected units at the source. See 40 CFR 72.20(a)). The designated representative for a source, or group of sources, is designated through submission to EPA, by the individual selected by the owners and operators, of a certificate of representation. See 40 CFR 72.20(b). While in order to participate in a single NO_x averaging plan a group of units must be under the control of the same owner or operator as well as having a common designated representative, a group of units can have a common designated representative, for purposes other than participation in a NO_x averaging plan, whether or not they are controlled by the same owner or operator. A certificate of representation includes, among other things, information on the identification of the sources involved, the affected units at each such source, the owners and operators of each such unit and source, and the individual who is selected as the designated representative and authorized to submit, sign, and certify each submission under the Acid Rain Program. See 40 CFR 72.24(a). The responsibilities, and requirements for designating an individual as the designated representative are analogous under the Acid Rain Program and the Transport Rule trading programs.

J.H. Campbell (et al.) Averaging Plan (Plant Code 1710), Michigan, Signature Date: June 20, 2007.

Another approach that owners and operators take in designing NO_x averaging plans is to group units from multiple sources into one NO_x averaging plan. Such is the case for the NO_x averaging plan covering units at the J.H. Campbell facility, which also covers 19 units at the B.C. Cobb, Dan E. Karn, J.C. Weadock, and J.R. Whiting facilities, for calendar years 2007 through 2011.² Note that the 15 units at five sources in the NO_x averaging plan have the same individual as the designated representative (i.e., James R. Coddington, who is the common designated representative), as reflected in the NO_x averaging plan, and are owned by 13 separate owners and operated by one owner/operator, as reflected in the EPA Source Management System printouts dated June 27, 2011.

Rockport (et al.) Averaging Plan (Plant Code 6166), Indiana, Signature Date: December 19,

renewal of the permit covering San Juan. The same four units have been in identically configured NO_x averaging plans since 2000, when the units first became subject to Acid Rain Program NO_x emissions limitations.

² The referenced NO_x averaging plan is the most current plan submitted for inclusion in the renewal of the permits covering J.H. Campbell and the other facilities identified in this plan. The same 15 units have been in identically configured averaging plans since 2001.

2007.

This is another example of the approach that owners and operators take in designing NO_x averaging plans of grouping units from multiple sources into one NO_x averaging plan. This NO_x averaging plan covering units at the Rockport facility covers 53 units at 21 facilities in eight states. Note that the 53 units at the 21 facilities in averaging plan have the same individual as the designated representative (i.e., John M. McManus, who is the common designated representative), as reflected in the NO_x averaging plan, and are owned by nine separate owners and operated by eight owner/operators that are wholly owned subsidiaries of American Electric Power Company,³ as reflected in the EPA Source Management System printouts dated June 27, 2011.

³ In tabulating the number of different owners whose units are covered by the referenced NO_x averaging plan, the companies (and their subsidiaries, if any) that are directly or indirectly owned by American Electric Power Company, Inc. (i.e., Appalachian Power Company, Central Operating Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Ohio Power Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, and West Texas Utilities Company) were counted as a single owner. The eight other owners (Arkansas Electric Cooperative Corporation, City of Brownsville, Buckeye Power, Inc., Central Power and Light Company, Cincinnati Gas & Electric Power Company, Dayton Power and Light Company, Northeast Texas Electric Cooperative, and Oklahoma Municipal Power Authority) are not owned by American Electric Power Company, Inc.